

REMARKS/ARGUMENTS

The action by the Examiner of this application, together with the cited references, have been given careful consideration. Following such consideration, claims 1, 8 and 10-14 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Moreover, claim 26 has been added, and claims 2-7 and 15-25 have been withdrawn. Claims 9 remains unchanged by the present amendment paper. This amendment is presented according to "Revised Amendment Practice" (37 C.F.R. 1.121), effective July 30, 2003. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

Claims 1 and 8-14 have been elected for examination in response to a Restriction Requirement issued by the Examiner. It is respectfully submitted that claim 1 remains generic. Claim 2-7 and 15-25 have been withdrawn from consideration at this time.

The Examiner has objected to the title of the invention as not being sufficiently descriptive. Accordingly, the present amendment amends the title as follows: ELECTROMAGNETICALLY RESPONSIVE HEATING APPARATUS FOR VAPORIZER.

The Examiner has rejected claims 1 and 8-10 as being anticipated by Takahashi et al. (U.S. Patent No. 6,008,482). Furthermore, the Examiner has rejected claims 1 and 8-10 as being anticipated by Virgin (U.S. Patent No. 4,341,936). Claims 11-14 have been rejected as being obvious over Takahashi et al. '482 or Virgin '936 in view of Johnson, Jr. (U.S. Patent No. 6,023,054) or Monovoukas (U.S. Patent No. 5,378,879).

It is respectfully submitted that none of the cited references, taken individually or in combination, teach or suggest the Applicant's invention as now defined by independent claim 1. In this regard, claim 1 now recites (in part):

a heating chamber having a passage formed therethrough, said heating chamber having an inlet for receiving the atomized antimicrobial liquid into the passage, and an outlet for releasing the antimicrobial vapor from the passage to supply the antimicrobial vapor to a defined region, wherein said heating chamber is comprised of a first electrically non-conductive material and a first electromagnetically responsive material; and

an insert located within the passage of the heating chamber, said insert comprised of at least one of:

- (1) a metal, and
- (2) a second electrically non-conductive material and a second electromagnetically responsive material,

wherein said heating chamber and said insert both contribute to vaporization of the atomized, antimicrobial liquid to form the antimicrobial vapor.

It is respectfully submitted that none of the cited references, taken individually or in combination, teaches or suggests a heating chamber used in combination with an insert, wherein both the heating chamber and the insert contribute to vaporization of *atomized* antimicrobial liquid, and at least the heating chamber is comprised of an electrically non-conductive material and an electromagnetically responsive material, as now required by independent claim 1.

With regard to Takahashi et al., this reference discloses a porous heating element 18 located within heating chamber 16. Heating element 18 is not comprised of a combination of electrically non-conductive material and electromagnetically responsive material. Likewise, Virgin discloses ball bearings 33 that are not comprised of a combination of electrically non-conductive material and electromagnetically responsive material.

As noted above, claim 1 also requires that the antimicrobial liquid vaporized by the heating chamber and insert has been atomized. In Takahashi, water fills the pores 19 of heating element 18 (see column 8, lines 59-65). In Virgin, water flows through ball bearings 33 (see column 3, lines 51-55). In neither reference is the water atomized, as required by claim 1. Atomization of the antimicrobial liquid is advantageous since it results in significantly faster vaporization, greater efficiency and uniform distribution.

While it is acknowledged that Johnson, Jr. and Monovoukas disclose materials for heating that are comprised of both electrically non-conductive material and electromagnetically responsive material, neither reference teaches or suggests application of the materials disclosed therein to a vaporizer used for vaporizing an *atomized* antimicrobial liquid to form an antimicrobial vapor, as defined by independent claim 1.

In view of the foregoing, it is respectfully submitted that independent claim 1, and all of the claims which depend therefrom, are patentable over the cited references. Therefore, it is respectfully requested that the Examiner withdraw the prior art rejections.

The cited references made of record and not relied upon have also been reviewed. It is respectfully submitted that none of these additional references teaches or suggests the applicants' invention as defined by the present claims.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8803US.CIP.

Date: November 17, 2004

Respectfully submitted,



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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 17, 2004



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